

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN W. EAST,)	
Plaintiff,)	Civil Action No. 7:15cv00211
)	
v.)	
)	By: Elizabeth K. Dillon
HAROLD CLARKE, <i>et al.</i> ,)	United States District Judge
Defendants.)	

ORDER

This matter is before the court on East's motion to amend his complaint to add new defendants and claims. Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, the court should freely give leave to amend when justice so requires. Accordingly, East's motion to amend (Docket No. 49) is GRANTED, and East's complaint shall be considered as amended. East's amended complaint shall replace his original complaint and earlier amendment, and the Clerk is DIRECTED to re-docket the amended complaint. Because the amended complaint does not name Engleke, Wright, Morrison, or DeBord as defendants, the Clerk shall TERMINATE them as defendants to this action. The Clerk shall ADD the Virginia Department of Corrections, River North Correctional Center, A. David Robinson, J. Walwrath, B. Kanode, R. Anderson, B. Hall, A. Mullins, and J. King as defendants to the action and NOTIFY the new defendants of this action, pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Because the amended complaint may change the arguments presented in the parties' motions for summary judgment, it is further ordered that the motions (Docket Nos. 32 and 39) are DISMISSED without prejudice. Pursuant to Standing Order No. 2013-6, the defendants shall FILE a motion for summary judgment within sixty days of the entry of this order, addressing the amended complaint.

The Clerk shall send a copy of this order to the parties.

It is so ORDERED.

Entered: August 9, 2016.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge